

[ORAL ARGUMENT NOT SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff-Appellant,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, et al.,

Defendants-Appellees.

No. 17-5171

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici

The appellant in this Court, plaintiff in the district court, is the Electronic Privacy Information Center. The defendants in the district court, appellees in this Court, are the Presidential Advisory Commission on Election Integrity; Michael R. Pence, in his official capacity as Chair of the Presidential Advisory Commission on Election Integrity; Kris W. Kobach,

in his official capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity; the Executive Office of the President of the United States; the Office of the Vice President of the United States; the General Services Administration; the United States Department of Defense; Charles G. Herndon, in his official capacity as Director of White House Information Technology; the United States Digital Service; and the Executive Committee for Presidential Information Technology. There were no amici in the district court.

B. Rulings Under Review

The ruling under review is the memorandum opinion and accompanying order issued on July 24, 2017, by Judge Colleen Kollar-Kotelly, docket numbers 40 and 41. The district court's opinion is not yet published.

C. Related Cases

This matter has not previously been before this Court or any other court. There are three additional cases pending in the district court that challenge actions of the Presidential Advisory Commission on Election

Integrity. One of those cases, *Common Cause v. Presidential Advisory Committee on Election Integrity*, No. 17-1398 (D.D.C.), like this case, involves a challenge to the Commission's collection, on a voluntary basis, of publicly available voter data from state election officials, though plaintiff in that case is relying on the Privacy Act and not the E-Government Act of 2002 relied on by plaintiff here. In two other cases, *American Civil Liberties Union v. Trump*, No. 17-1351 (D.D.C.), and *Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, No. 17-1354 (D.D.C.), the plaintiffs are urging that the Commission has violated the document-disclosure and open-meetings provisions of the Federal Advisory Committee Act (FACA). An appeal from the denial of a preliminary injunction in *Lawyers' Committee for Civil Rights Under Law* is currently pending in this Court. *Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, No. 17-5167 (D.C. Cir.). No briefing schedule has been set in that case.

Respectfully submitted,

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s/ Daniel Tenny

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AUGUST 2017

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2017, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

s/ Daniel Tenny

Daniel Tenny